**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR**

**FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929**

**WP(C).No. 12979 of 2006(T)**

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**PETITIONERS:**

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**1. S.SANTHAKUMARI AMMA, V.S.HOUSE,**
**PALACE NAGAR 110, KAZHAKKOTTAM.P.O.,**
**THIRUVANANTHAPURAM.**

**2. VINOD.V.S., V.S.HOUSE, PALACE NAGAR 110,**
**KAZHAKKOTTAM.P.O., THIRUVANANTHAPURAM.**

**3. SHEETHAL.V.S., V.S.HOUSE,**
**PALACE NAGAR 110, KAZHAKKOOTTAM.P.O,**
**THIRUVANANTHAPURAM.**

**4. P.JAYA, WIFE OF G.SUBHASH BABU,**
**VENKITESWARA BHAVAN, KAZHAKKOTTAM.P.O.,**
**THIRUVANANTHAPURAM.**

**5. N.SOMADAS, `VARSHA', KARIYIL,**
**KAZHAKKOOTTAM.P.O., THIRUVANANTHAPURAM.**

**6. R.BALAKRISHNAN, RENJITH BHAVAN,**
**PALACE NAGAR 109, KAZHAKKOOTTAM P.O.,**
**THIRUVANANTHAPURAM.**

**7. INDIRA VIJAYAN, SREYAS, PALACE NAGAR 108**
**KAZHAKKOOTTAM.P.O., THIRUVANANTHAPURAM.**

**BY ADV. SRI.P.RAMAKRISHNAN**

**RESPONDENTS:**

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**1. THE SPECIAL TAHSILDAR,**
**LAND ACQUISITION (GENERAL), THIRUVANANTHAPURAM.**

**2. THE TRIVANDRUM DEVELOPMENT AUTHORITY**
**(TRIDA) JAYA MANSION, VAZHUTHACAUD,**
**THIRUVANANTHAPURAM, REP.BY ITS CHAIRMAN.**

**3. TECHNO PARK, KAZHAKKOOTTAM,**
**THIRUVANANTHAPURAM, REP.BY ITS CHIEF EXECUTIVE OFFICER.**

**4. STATE OF KERALA,**
**REP.BY SECRETARY TO GOVERNMENT,**
**DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,**
**THIRUVANANTHAPURAM.**

**BY ADV. SRI.K.A.JALEEL, SC., TRIDA**
**BY GOVERNMENT PLEADER SHRI L.G. SURESH BABU**
**SRI.U.K.RAMAKRISHNAN**
**SRI.P.V.LOHITHAKSHAN**
**SMT.P.VIJAYAMMA**
**SMT.UMA GOPINATH**
**SRI.V.KRISHNA MENON**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXHIBIT P1 TRUE COPY OF THE ROUGH SKETCH SHOWING THE LOCATION AND LIE OF THE LAND.**

**EXHIBIT P2 TRUE COPY OF THE NOTIFICATION DATED 28.6.2005 PUBLISHED IN KERALA KAUMUDI DAILY 5.7.2005.**

**EXHIBIT P3 TRUE COPY OF THE REPRESENTATION DATED 30.7.2005 SUBMITTED BEFORE THE SECOND RESPONDENT.**

**EXHIBIT P4 TRUE COPY OF THE JUDGMENT DATED 11.1.2006 IN W.P(C) NO.30062/05.**

**EXHIHBIT P5 TRUE COPY OF THE LETTER DATED 20.3.2006 RECEIVED BY THE FIRST PETITIONER.**

**RESPONDENTS' EXHIBITS: NIL**

**K. PADMANABHAN NAIR, J.**

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W.P(C) NO. 12979 OF 2006

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Dated this the 30th day of March, 2007

**J U D G M E N T**

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Petitioners are owners of properties situated in Kazhakkoottam Village in Thiruvananthapuram District. It is submitted that these lands are small parts of land lying as a contiguous narrow strip near Kazhakoottam Junction. It is also admitted that the properties are demarcated by the boundary of Tehno Park for which a large extent of land was acquired in the year 1995 and a canal on the eastern side and Kovalam NH Bye-pass road on the west. The grievance of the petitioners is that their properties are being acquired on the pretext that the said lands are necessary for a public purpose. lnitially petitioners challenged the Notification issued under Sections 4(1) and 17(4) of the Kerala Land Acquisition Act before this Court. This Court disposed of the petition directing the second respondent to consider the grievance of the petitioners and pass appropriate orders. It is submitted by the Standing Counsel for the second

respondent that the matter was considered in detail and was rejected. It was also submitted that the total area required for this project is 5.28 acres and it is required for the purpose of constructing a Trade Centre cum Complex and Mini Bus Stand. It is submitted that a major portion of the land will be surrendered by the Techno Park free of cost for this project and only some area owned by private parties are being acquired. It is submitted by the counsel for the Techno Park that if the Government insists, Techno Park will surrender land free of costs for a public purpose but the second respondent shall not use such land for any other purposes. Learned Standing Counsel for the second respondent, TRIDA, submitted that the Government had already taken necessary steps and funds have been set apart for this project and lands will be acquired for this purpose alone.

2. Considering the facts and circumstances of the case, I am of the view that it cannot be held that the purpose projected is not a public purpose especially in view of the developments taking place in the area. No mala fides are established.

In the result, the Writ Petition is without any merit and it is

accordingly dismissed.

**K. PADMANABHAN NAIR, JUDGE.**

**vsv**

**K. PADMANABHAN NAIR, J.**

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**M.F.A. NO. OF**

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J U D G M E N T

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15TH MARCH, 2007